

DECLASSIFIED

1/13/84

(BD004)

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PROG 1-13-84
AMB:FVORTIZ
POL:JKING:JMR
DCM:JABUSHNELL
POL-3 AMB DCM, RF CHRON

AMEMBASSY BUENOS AIRES
SECSTATE WASHDC
INFO AMEMBASSY SANTIAGO
USCINCSO QUARRY HEIGHTS PN
USCINCLANT NORFOLK VA

E.O. 12356: DECL:OADR
TAGS: PGOV, AR
SUBJ: ALFONSIN'S JANUARY 12 PRESS CONFERENCE - HUMAN
RIGHTS AND THE MILITARY

REF: BUENOS AIRES 0319

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

☒ Release () Excise () Deny

Exemption(s): _____

Declassify: () In Part ☒ In Full

() Classify as _____ () Extend as _____ () Downgrade to _____

Date _____ Declassify on _____ Reason _____

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1. (U) PRESIDENT ALFONSIN FLATLY DENIED ASSERTIONS FROM HUMAN RIGHTS GROUPS THAT HIS BALANCED APPROACH TO PUNISHING MALEFACTORS IN THE WAR AGAINST SUBVERSION IS A HIDDEN AMNESTY. "NOBODY CAN SERIOUSLY LEVEL SUCH A CHARGE." HE ADDED THAT HE WILL NOT BE PRESSURED FROM ANY SIDE IN PROSECUTING MILITARY OFFICERS. "WE ARE GOING TO ACT WITHIN LEGAL BOUNDS, IN ACCORDANCE WITH JUSTICE."

2. (U) THE PRESIDENT DEFENDED HIS HUMAN RIGHTS RECORD AND SAID HE IS DOING NO MORE AND NO LESS THAN HE PROMISED IN HIS ELECTION CAMPAIGN. HE POINTED TO THESE LEGAL REFORMS HE HAS PROPOSED TO CONGRESS: (A) DENYING AUTHORITY TO MILITARY COURTS TO PASS JUDGMENT ON COMMON CRIMES; (B) GRANTING RIGHT OF APPEAL FROM MILITARY COURT JUDGMENTS TO CIVIL COURTS; (C) MAKING MILITARY REBELLION A CRIME AGAINST THE CONSTITUTION; AND (D) TREATING TORTURE IN THE SAME CATEGORY OF CRIME AS MURDER.

3. (U) IN FIELDING SEVERAL QUESTIONS ON THE SUBJECT, ALFONSIN SAID:

-- THE MILITARY TRIAL OF PREVIOUS GOVERNMENT FIGURES, WHICH HE ORDERED A MONTH AGO, HAS AMPLE PRECEDENT IN THE NATIONAL JUDICIAL SYSTEM; MILITARY JURISDICTION OVER ARMED SERVICE PERSONNEL DATES BACK 30 YEARS AND IS RECOGNIZED BY THE SUPREME COURT.

-- THE GOVERNMENT IS ACTING FAIRLY IN TRYING TO ESTABLISH THREE DEGREES OF RESPONSIBILITY FOR DIRTY-WAR CRIMES: FOR THOSE WHO TOOK THE POLITICAL DECISIONS IN THE REPRESSION, THOSE WHO ACTED CRUELLY AND EXCESSIVELY IN CARRYING OUT ORDERS, "AND THOSE WHO IN VIEW OF EXTREMELY CONFUSING SITUATIONS" MAY HAVE ACCEPTED DISCIPLINE AND SIMPLY CARRIED OUT ORDERS.

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4. (U) HIS PROPOSAL TO CONGRESS FOR DEALING WITH THESE PROBLEMS IS "A PACKAGE WHICH, WITHIN THE FRAMEWORK OF THE DUE PROCESS OF LAW, WILL WORK TO PROTECT ARGENTINE SOCIETY FROM AN UPSURGE OF THIS TRUE SCOURGE OF SOCIETY (VIOLENCE)."

5. (U) HE SAID WITH REGARD TO THE ARREST JANUARY 10 OF FORMER PRESIDENT BIGNONE, THE RESULT OF COURT ACTION IN A DISAPPEARANCE CASE, THAT "I WOULD HAVE LIKED NOT TO HAVE HAD SUCH A THING HAPPEN," BUT THAT HE RESPECTED JUDICIAL DECISIONS. HE LATER SAID THAT PROSECUTION OF MEMBERS OF THE MILITARY GOVERNMENT, NOW GOING FORWARD IN AN ATMOSPHERE CHARGED BY THE DAILY EXHUMATION OF THE BODIES OF DISAPPEARED PERSONS, "SADDENS ALL OF US." PERHAPS, HE ADDED, "THE HORROR WE ARE EXPERIENCING WILL HELP US TO LEARN A LESSON, AND IN THE FUTURE ALL OF US WILL STRUGGLE AGAINST ALL FORMS OF VIOLENCE, WHEREVER IT COMES FROM."

6. COMMENT: ALFONSIN'S PACKAGE OF JUDICIAL REFORMS TO DEAL WITH THE RESULTS OF THE DIRTY WAR HAS RUN INTO UNEXPECTEDLY VEHEMENT OPPOSITION FROM SOME HUMAN RIGHTS ORGANIZATIONS, PARTICULARLY THE MOTHERS OF THE PLAZA DE MAYO. HE MUST THEREFORE TEMPER HIS PROPOSALS FOR RETRIBUTION AGAINST MILITARY REPRESSION WITH PRUDENCE, TO AVOID A BACKLASH FROM THE RIGHT. IT APPEARS FROM HIS ACTIONS AND STATEMENTS SO FAR THAT HE IS BEING GUIDED BY PRAGMATISM AND A COMMITMENT TO DUE PROCESS. ORTIZ**

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